



BURNS &amp; LEVINSON LLP

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December 22, 2011

Michelle Kerr, Remedial Project Manager  
U.S. Environmental Protection Agency – Region 5  
Superfund Division (SR-6J)  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

**Re: Chemetco Site – M. Burstein & Co.**

Dear Ms. Kerr:

I am counsel to M. Burstein & Co. (“Burstein”). This letter is written in response to EPA’s general notice letter regarding the Chemetco Site (“Site”) dated November 30, 2011. Please note that Burstein has already submitted a detailed response to an EPA Information Request regarding the Site on May 6, 2008.

EPA’s November 30, 2011 EPA letter requested that Burstein indicate its interest in participating in future negotiations regarding the Site. Please be advised that it is Burstein’s position that it has several defenses to liability including that its transactions with Chemetco are exempt under the scrap metal exemption set forth in Section 127 of CERCLA. Further, even if the Section 127 exemption or other defenses did not apply, Burstein was a very small customer of Chemetco. Accordingly, while Burstein denies that it has any liability with respect to the Site, it would consider participating in a de minimis settlement in order to resolve this matter and eliminate transaction costs.

Please contact me if, and when, a de minimis settlement proposal is available for review.

Very truly yours,

David P. Rosenblatt

DPR:rs  
cc: Mr. David Pascucci  
Mr. Jerry Burstein

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